

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Sacramento Regional Transit District for an order authorizing District to modify, construct, maintain and operate a light rail passenger system across 5<sup>th</sup> Street; 6<sup>th</sup> Street; (1) H Street; (2) H Street; (1) I Street; (2) I Street; (1) I-J Alley; (2) I-J Alley; (1) J Street; (2) J Street; (1) Merchant Street; (2) Merchant Street; 7<sup>th</sup> Street; and 8<sup>th</sup> Street in the City of Sacramento, State of California.

Application 05-01-012  
(Filed January 18, 2005;  
amended October 17,  
2005)

**O P I N I O N****Summary**

This decision grants the Sacramento Regional Transit District's (District) request for authority to construct eleven and modify two at-grade crossings in the City of Sacramento. The new crossings will be identified as Commission Crossing Nos. 083A1-0.53 (6<sup>th</sup> Street), 083A1- 0.46 (H Street (1)), 083A1-0.39 (H Street (2)), 083A2-0.34 (I Street (1)), 083A1-0.31 (I Street (2)), 083A2-0.30 (I-J Alley (1)), 083A1-0.28 (I-J Alley (2)), 083A2-0.26 (J Street (1)), 083A1-0.24 (J Street (2)), 083A2-0.22 (Merchant Street (1)), 083A1-0.19 (Merchant Street (2)). The existing crossings being modified are along the K Street pedestrian mall street-running track at 7<sup>th</sup> Street (083N-0.15) and 8<sup>th</sup> Street (083NA-0.15). There will also be one new track-over-track crossing at the intersection of 8<sup>th</sup> and K Streets. Appendix A, which shows exhibit B to the District's Application, contains the Project Map.

**Discussion**

The District requests authority to construct eleven and modify two at-grade crossings. The project will connect the existing track that currently runs along the K Street Mall between 7<sup>th</sup> and 8<sup>th</sup> Streets with the Amtrak Station near 5<sup>th</sup> and H Streets. The outbound tracks will run north along the west side of 8<sup>th</sup> Street from K Street to H Street, and then run west along the north side of H Street to the Amtrak Station near 5<sup>th</sup> Street. The inbound tracks will double back along H Street before turning south on the east side of 7<sup>th</sup> Street and continuing to its connection to existing track at 7<sup>th</sup> Street and K Street.

The 6<sup>th</sup> Street crossing is a signalized intersection at H Street with one lane in each direction. A “No Left Turn” blank out sign will be installed for drivers turning left from H Street onto northbound 6<sup>th</sup> Street. Warning devices will consist of two CPUC Standard No. 1-R Crossbucks with the traffic signals being pre-empted for trains.

H Street (1) is a signalized intersection at 7<sup>th</sup> Street. 7<sup>th</sup> Street is a three-lane, southbound, one-way street. The tracks will split just west of 7<sup>th</sup> Street with one track continuing along H Street and the other turning south down 7<sup>th</sup> Street. Warning devices will consist of three CPUC Standard No. 1-R Crossbucks with the traffic signals being pre-empted for trains.

I Street (1) is a three-lane, westbound, one-way signalized intersection at 7<sup>th</sup> Street’s three southbound one-way lanes. Warning devices will consist of two CPUC Standard No. 1-R Crossbucks and traffic signals.

I-J Alley (1) is a ten-foot wide alley that enters/exits 7<sup>th</sup> Street midway between I and J Streets. Warning devices will consist of two CPUC Standard No. 1-R Crossbucks. A “Watch for Trains” sign shall be posted on each crossbuck.

J Street (1) is a three-lane, eastbound, one-way signalized intersection at 7<sup>th</sup> Street. Warning devices will consist of two CPUC Standard No. 1-R Crossbucks and traffic signals.

Merchant Street (1) is a one lane, one-way street, running eastbound that exits the east side of 7<sup>th</sup> Street midway between K and J Streets. Warning devices will consist of one CPUC Standard No. 1-R Crossbuck.

The 7<sup>th</sup> Street crossing currently consists of one track running west down the center of the K Street Mall which turns south onto the east side of 7<sup>th</sup> Street. The new track coming from the Amtrak Station, also on the east side of 7<sup>th</sup> Street, will cross K Street and join the existing track where it turns off of K Street, at the southeast corner of the intersection. New tactile stripping will be installed where pedestrians cross the track at 7<sup>th</sup> Street. New signal heads and pedestrian signals will be installed. Warning devices will consist of one CPUC Standard No. 1-R Crossbuck with the traffic and pedestrian signals being pre-empted for trains.

The 8<sup>th</sup> Street crossing currently consists of one track running north (outbound) along the west side of 8<sup>th</sup> Street and turning east onto the K Street Mall. A second track runs west (inbound) along the K Street Mall and crosses 8<sup>th</sup> Street. The new track will separate from the existing north running track just south of K Street where it curves to the east to continue along the K Street mall and continue north along 8<sup>th</sup> Street, crossing the existing inbound track at K Street. Also, a new section of track will split off from the inbound track along the K Street mall, just east of 8<sup>th</sup> Street and connect to the new north running track along 8<sup>th</sup> Street just north of K Street. Tactile stripping will be installed at all locations where pedestrians will cross the new tracks. Warning devices will consist of one CPUC Standard No. 1-R Crossbuck with the traffic and pedestrian signals being pre-empted for trains.

Merchant Street (2) is a one lane, one-way streets that enters/exits 8<sup>th</sup> Street midway between K and J Streets. Warning devices will consist of one CPUC Standard No. 1-R Crossbuck. A “Watch for Trains” sign shall be posted on the crossbuck. “Left Turn Yield to Trains” and “Watch for Trains” signs shall be posted at the northwest corner of the intersection.

J Street (2) is a three-lane, eastbound, one-way signalized intersection at 8<sup>th</sup> Street. Warning devices will consist of two CPUC Standard No. 1-R Crossbucks and traffic signals.

I-J Alley (2) is a ten-foot wide alley that enters/exits 8<sup>th</sup> Street midway between I and J Streets. Warning devices will consist of one CPUC Standard No. 1-R Crossbuck. A “Watch for Trains” sign shall be posted on the crossbuck.

I Street (2) is a three-lane, westbound, one-way signalized intersection at 8<sup>th</sup> Street. Warning devices will consist of two CPUC Standard No. 1-R Crossbucks and traffic signals.

H Street (2) is a signalized intersection at 8<sup>th</sup> Street. 8<sup>th</sup> Street is a three-lane, northbound, one-way street. The track will cross from the southwest corner of the intersection to the north side of H Street and continue west along H Street. Warning devices will consist of two CPUC Standard No. 1-R Crossbucks with the traffic signals being pre-empted for trains.

All private driveways that enter the roadway across tracks will have “Left Turn Yield to Trains” or “Watch for Trains” signs posted.

The District is the lead agency for the construction of this project, which is covered under the Downtown Sacramento - Folsom Corridor Project (Project) Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On March 15, 2000, in

compliance with CEQA, the District filed its Notice of Determination (NOD) approving this Project and stating that the Project will have a significant effect on the environment. Mitigation measures were made a condition of approval of the Project, and the District issued a Statement of Overriding Considerations for those impacts that could not be mitigated to a less-than-significant level.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

We reviewed the FEIS/EIR for the Project and believe it is adequate for our decision-making purposes. Safety, transportation and noise are within the scope of the Commission's permitting process.

Safety impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities. The District will monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt cross street traffic.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train operating procedures, and reducing, to the extent possible, the noise emissions of

light rail vehicles through shielding, reprofiling of the wheels and other measures.

Transportation impacts were identified in the FEIS/EIR. The impacts involve the relocation of a bike path in the City of Folsom, and reducing the level of service at several intersections. The adopted mitigation measures include the City of Folsom relocating its bike path, and the use of nearside grade crossing indicators where at-grade crossings are adjacent to light rail stations. This will minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the road. For all but one of the intersections affected, District determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

With respect to the potentially significant safety, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts to less-than-significant levels. We will adopt the District's environmental findings and mitigations for purposes of our approval.

Rail Crossings Engineering Section staff inspected the sites of the proposed crossings. After reviewing the need for and safety of the proposed crossings, staff recommends that the requested authority to construct and modify the subject crossings be granted for a period of two years. Application 05-01-012 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public highway and Rule 41 which relates to the construction of a railroad track across a railroad track.

**Categorization and Need for Hearings**

In Resolution ALJ 176-3146, dated January 27, 2005 the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Notice of the Amended Application was published in the Commission's Daily Calendar (CDC) on October 20, 2005. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3146.

**Waiver of Comment Period**

The District has requested the order become effective immediately. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waved.

**Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

**Findings of Fact**

1. Notice of the application was published in the CDC on January 21, 2005. Notice of the amended application was published in the CDC on October 20, 2005. No protests have been filed.
2. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct eleven and modify two at-grade crossings. The new crossings will be identified as Commission Crossing Nos. 083A1-0.53 (6<sup>th</sup> Street), 083A1-0.46 (H Street (1)), 083A1-0.39 (H Street (2)), 083A2-0.34 (I Street (1)), 083A1-0.31 (I Street (2)), 083A2-0.30 (I-J Alley (1)), 083A1-0.28 (I-J Alley (2)), 083A2-0.26 (J Street (1)), 083A1-0.24 (J Street (2)), 083A2-0.22 (Merchant Street (1)), 083A1-0.19 (Merchant Street (2)). The modified crossings are 7<sup>th</sup> Street (083N-0.15) and 8<sup>th</sup>

Street (083NA-0.15). There will also be one new track-over-track crossing at the intersection of 8<sup>th</sup> and K Streets.

3. Public convenience, safety, and necessity require the construction of the subject crossings.

4. The District is the lead agency for the Project under CEQA, as amended.

5. The Commission is a responsible agency for this project and has reviewed and considered the District's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

6. On March 15, 2000, the District filed its NOD approving the project and found that the Project would have a significant effect on the environment. The District issued a Statement of Overriding Considerations for those impacts that could not be reduced to a less-than-significant level.

7. Safety, transportation and noise are within the scope of the Commission's permitting process.

8. The Commission finds that for each potentially significant impact related to safety, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts to less-than-significant levels.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. The Sacramento Regional Transit District's (District) is authorized to construct eleven and modify two at-grade crossings. The new crossings will be

identified as Commission Crossing Nos. 083A1-0.53 (6<sup>th</sup> Street), 083A1- 0.46 (H Street (1)), 083A1-0.39 (H Street (2)), 083A2-0.34 (I Street (1)), 083A1-0.31 (I Street (2)), 083A2-0.30 (I-J Alley (1)), 083A1-0.28 (I-J Alley (2)), 083A2-0.26 (J Street (1)), 083A1-0.24 (J Street (2)), 083A2-0.22 (Merchant Street (1)), 083A1-0.19 (Merchant Street (2)). The modified crossings are 7<sup>th</sup> Street (083N-0.15) and 8<sup>th</sup> Street (083NA-0.15). The track-over-track crossing is at the intersection of 8<sup>th</sup> and K Streets.

2. Public safety requires that the crossings be equipped with warning devices as summarized in the discussion section of this decision.

3. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the District and the City of Sacramento. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, the District shall notify the Commission's Rail Crossing Engineering Section in writing, by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossing and Separations), that the authorized work was completed.

5. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. This application is granted as set forth above.

7. Application 05-01-012 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

## APPENDIX A

